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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,488	10/15/2003	Eduard K. de Jong	SUN-040204	7966
24209 7590 01/29/2007 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			EXAMINER MORAN, RANDAL D	
			ART UNIT	PAPER NUMBER
			2135	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/687,488	DE JONG, EDUARD K.	
	Examiner	Art Unit	
	Randal D. Moran	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/2/2004, 4/13/2004, 4/20/2004, 6/27/2004, 7/17/2006, and 12/5/2005.

DETAILED ACTION

1. Claims 1-88 are pending in this application.
2. The Information Disclosure Statements filed on 1/2/2004, 4/13/2004, 4/20/2004, 6/27/2005, 7/17/2006, and 12/5/2006 have been considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3, 6, 10-12, 15, 21-23, 26, 30-32, 35, 41-43, 46, 50-52, 55, 61-63, 66, 78-80, and 83** are rejected under 35 U.S.C. 102(b) as being anticipated by **Murphy (US 6,226,744)**, hereafter "Murphy."
5. Murphy is cited by the applicant in an IDS paper filed on 1/2/2004.
6. Considering **Claim 1**, Murphy discloses a method for digital content access control (abstract, lines 1-5), comprising: determining digital content to be made

accessible via a rights locker (column 3, lines 35-36); determining enrollment authentication data (column 4, lines 1-7); sending a rights locker enrollment request to a rights locker provider (column 3, lines 35-36), said rights locker enrollment request comprising a digital content request and said enrollment authentication data (column 3, lines 35-36, column 4, lines 1-5); receiving one or more authenticated rights locker access requests in response to said sending (column 5, lines 55-60), said one or more authenticated rights locker access requests for subsequent use in accessing digital content associated with said rights locker (column 7, lines 26-28, column 6, lines 56-61); receiving an indication of a selection of one of said one or more authenticated rights locker access requests (column 3, lines 35-36, column 6, lines 50-54, requesting a PIN from the user establishes that the user is electing to retrieve the information requested from the server); sending said authenticated rights locker access request to a rights locker provider (column 3, lines 35-36); and receiving a result in response to said sending said authenticated rights locker access request (column 6, lines 46-47, the result is that the user is granted access to the restricted information).

7. Considering **Claim 10**, Murphy discloses a method for digital content access control (abstract, lines 1-5), comprising: receiving a rights locker enrollment request from a user device associated with a user (column 3, lines 35-36), said rights locker enrollment request comprising a digital content request and

enrollment authentication data (column 3, lines 35-36, column 4, lines 1-5); determining whether said user is authorized (column 6, lines 8-11 and 43-49), said determining comprising determining the rights of said user to access said rights locker and the rights of said user to digital content specified by said digital content request (column 6, lines 1-7); if said user is authorized, initializing said rights locker with rights to said digital content (column 6, lines 43-47); obtaining one or more tokens that authenticate future access to a rights locker corresponding to said digital content (column 5, lines 55-60, column 6, lines 56-61); creating one or more authenticated rights locker access requests based at least in part on said one or more tokens (column 5, lines 55-60); sending said one or more authenticated rights locker access requests (column 3, lines 35-36); receiving an indication of a user selection of one of said one or more authenticated rights locker access requests (column 3, lines 35-36, column 6, lines 50-54, requesting a PIN from the user establishes that the user is electing to retrieve the information requested from the server); and accessing the contents of said rights locker according to a type of said rights token (column 7, lines 22-28, accessing content based on the SSN is shown, it is also shown that this could be done using tickets, certificates, or keys which can be read as tokens).

8. Considering **Claim 21**, Murphy discloses a program storage device readable by a machine (column 4, lines 1-7), embodying a program of instructions executable

by the machine to perform a method for digital content access control (abstract, lines 1-5), the method comprising: determining digital content to be made accessible via a rights locker (column 3, lines 35-36); determining enrollment authentication data (column 4, lines 1-7); sending a rights locker enrollment request to a rights locker provider (column 3, lines 35-36), said rights locker enrollment request comprising a digital content request and said enrollment authentication data (column 3, lines 35-36, column 4, lines 1-5); receiving one or more authenticated rights locker access requests in response to said sending (column 5, lines 55-60), said one or more authenticated rights locker access requests for subsequent use in accessing digital content associated with said rights locker (column 7, lines 26-28, column 6, lines 56-61); receiving an indication of a selection of one of said one or more authenticated rights locker access requests (column 3, lines 35-36, column 6, lines 50-54, requesting a PIN from the user establishes that the user is electing to retrieve the information requested from the server); sending said authenticated rights locker access request to a rights locker provider (column 3, lines 35-36); and receiving a result in response to said sending said authenticated rights locker access request (column 6, lines 46-47, the result is that the user is granted access to the restricted information).

9. Considering **Claim 30**, Murphy discloses a program storage device readable by a machine (column 4, lines 1-7), embodying a program of instructions executable

by the machine to perform a method for digital content access control (abstract, lines 1-5), the method comprising: receiving a rights locker enrollment request from a user device associated with a user (column 3, lines 35-36), said rights locker enrollment request comprising a digital content request and enrollment authentication data (column 3, lines 35-36, column 4, lines 1-5); determining whether said user is authorized (column 6, lines 8-11 and 43-49), said determining comprising determining the rights of said user to access said rights locker and the rights of said user to digital content specified by said digital content request (column 6, lines 1-7); if said user is authorized, initializing said rights locker with rights to said digital content (column 6, lines 43-47); obtaining one or more tokens that authenticate future access to a rights locker corresponding to said digital content (column 5, lines 55-60, column 6, lines 56-61); creating one or more authenticated rights locker access requests based at least in part on said one or more tokens (column 5, lines 55-60); sending said one or more authenticated rights locker access requests (column 3, lines 35-36); receiving an indication of a user selection of one of said one or more authenticated rights locker access requests (column 3, lines 35-36, column 6, lines 50-54, requesting a PIN from the user establishes that the user is electing to retrieve the information requested from the server); and accessing the contents of said rights locker according to a type of said rights token (column 7, lines 22-28, accessing content based on the SSN is shown, it is also shown that

this could be done using tickets, certificates, or keys which can be read as tokens).

10. Considering **Claim 41**, Murphy discloses an apparatus for digital content access control (abstract, lines 1-5), comprising: means for determining digital content to be made accessible via a rights locker (column 3, lines 35-36); means for determining enrollment authentication data (column 4, lines 1-7); means for sending a rights locker enrollment request to a rights locker provider (column 3, lines 35-36), said rights locker enrollment request comprising a digital content request and said enrollment authentication data (column 3, lines 35-36, column 4, lines 1-5); means for receiving one or more authenticated rights locker access requests in response to said sending (column 5, lines 55-60), said one or more authenticated rights locker access requests for subsequent use in accessing digital content associated with said rights locker (column 7, lines 26-28, column 6, lines 56-61); means for receiving an indication of a selection of one of said one or more authenticated rights locker access requests (column 3, lines 35-36, column 6, lines 50-54, requesting a PIN from the user establishes that the user is electing to retrieve the information requested from the server); means for sending said authenticated rights locker access request to a rights locker provider (column 3, lines 35-36); and means for receiving a result in response to said sending said authenticated rights locker access request (column 6, lines 46-47, the result is that the user is granted access to the restricted information).

11. Considering **Claim 50**, Murphy discloses an apparatus for digital content access control (abstract, lines 1-5), comprising: means for receiving a rights locker enrollment request from a user device associated with a user (column 3, lines 35-36), said rights locker enrollment request comprising a digital content request and enrollment authentication data (column 3, lines 35-36, column 4, lines 1-5); means for determining whether said user is authorized (column 6, lines 8-11 and 43-49), said determining comprising determining the rights of said user to access said rights locker and the rights of said user to digital content specified by said digital content request (column 6, lines 1-7); means for if said user is authorized, initializing said rights locker with rights to said digital content (column 6, lines 43-47); obtaining one or more tokens that authenticate future access to a rights locker corresponding to said digital content (column 5, lines 55-60, column 6, lines 56-61); creating one or more authenticated rights locker access requests based at least in part on said one or more tokens (column 5, lines 55-60); sending said one or more authenticated rights locker access requests (column 3, lines 35-36); receiving an indication of a user selection of one of said one or more authenticated rights locker access requests (column 3, lines 35-36, column 6, lines 50-54, requesting a PIN from the user establishes that the user is electing to retrieve the information requested from the server); and accessing the contents of said rights locker according to a type of said rights token (column 7,

lines 22-28, accessing content based on the SSN is shown, it is also shown that this could be done using tickets, certificates, or keys which can be read as tokens).

12. Considering **Claim 61**, Murphy discloses an apparatus for digital content access control (abstract, lines 1-5), comprising: a memory for storing said digital content (Fig. 1- item 26); and a processor configured to: determine digital content to be made accessible via a rights locker (Figure 1- items 18, 22, and 24, column 3, lines 35-36); determine enrollment authentication data (column 4, lines 1-7); send a rights locker enrollment request to a rights locker provider (column 3, lines 35-36), said rights locker enrollment request comprising a digital content request and said enrollment authentication data (column 3, lines 35-36, column 4, lines 1-5); receive one or more authenticated rights locker access requests in response to said sending (column 5, lines 55-60), said one or more authenticated rights locker access requests for subsequent use in accessing digital content associated with said rights locker (column 7, lines 26-28, column 6, lines 56-61); receive an indication of a selection of one of said one or more authenticated rights locker access requests (column 3, lines 35-36, column 6, lines 50-54, requesting a PIN from the user establishes that the user is electing to retrieve the information requested from the server); send said authenticated rights locker access request to a rights locker provider (column 3, lines 35-36); and receive a result in response to said sending said authenticated rights locker access request

(column 6, lines 46-47, the result is that the user is granted access to the restricted information).

13. Considering **Claim 78**, Murphy discloses an apparatus for digital content access control (abstract, lines 1-5), comprising: a memory for storing one or more rights lockers that describe digital content access rights (Fig. 1- item 26); and a processor configured to: receive a rights locker enrollment request from a user device associated with a user (Figure 1- items 18, 22, and 24, column 3, lines 35-36), said rights locker enrollment request comprising a digital content request and enrollment authentication data (column 3, lines 35-36, column 4, lines 1-5); determine whether said user is authorized (column 6, lines 8-11 and 43-49), said determining comprising determining the rights of said user to access said rights locker and the rights of said user to digital content specified by said digital content request (column 6, lines 1-7); if said user is authorized, initialize said rights locker with rights to said digital content (column 6, lines 43-47); obtain one or more tokens that authenticate future access to a rights locker corresponding to said digital content (column 5, lines 55-60, column 6, lines 56-61); create one or more authenticated rights locker access requests based at least in part on said one or more tokens (column 5, lines 55-60); send said one or more authenticated rights locker access requests (column 3, lines 35-36); receive an indication of a user selection of one of said one or more authenticated rights locker access requests (column 3, lines 35-36, column 6, lines 50-54, requesting a PIN from the

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user establishes that the user is electing to retrieve the information requested from the server); and access the contents of said rights locker according to a type of said rights token (column 7, lines 22-28, accessing content based on the SSN is shown, it is also shown that this could be done using tickets, certificates, or keys which can be read as tokens).

14. Considering **Claims 2, 11, 22, 31, 42, 51, 62, and 79**, Murphy discloses digital content request comprises a request for initializing said rights locker with rights to specified digital content (column 3, lines 35-36).
15. Considering **Claims 3, 12, 23, 32, 43, 52, 63, and 80**, Murphy discloses enrollment authentication data comprises: rights locker access authentication data for determining what rights, if any, said user has to access said rights locker (column 6, lines 43-47); and rights content access authentication data for determining what rights, if any, said user has to digital content associated with said rights locker (column 6, lines 43-47).
16. Considering **Claims 6, 15, 26, 35, 46, 55, 66, and 83**, Murphy discloses enrollment authentication data comprises a reenrollment key determined in a previous enrollment request for said rights locker (column 7, lines 22-28), said reenrollment key for supplementing or replacing enrollment authentication data of said previous enrollment request (column 6, lines 56-61, column 7, lines 22-28).

17. Considering **Claim 67**, Murphy discloses apparatus comprises a smart card (abstract, lines 1-5).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 4, 5, 13, 14, 16, 24, 25, 33, 34, 36, 44, 45, 53, 54, 56, 64, 65, 81, 82, and 84** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murphy** in view of **Hendrick (US 7,083,095)**, hereafter "Hendrick."

20. Considering **Claims 4, 13, 24, 33, 44, 53, 64, and 81**, Murphy does not disclose rights locker access authentication data comprises payment for use of a rights locker service.

Hendrick does disclose rights locker access authentication data comprises payment for use of a rights locker service (column 11, lines 44-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Murphy with the

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payment method taught by Hendrick in order to protect the rights of creators and publishers along with their content, collect their payments, and maintain their profits while providing consumers with easier access to content and lower prices (Hendrick- column 13, lines 7-10).

21. Considering **Claims 5, 14, 25, 34, 45, 54, 65, and 82**, Murphy does not disclose rights content access authentication data comprises payment for rights deposited in said rights locker.

Hendrick does disclose rights content access authentication data comprises payment for rights deposited in said rights locker (column 13, lines 7-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Murphy with the payment method taught by Hendrick in order to protect the rights of creators and publishers along with their content, collect their payments, and maintain their profits while providing consumers with easier access to content and lower prices (Hendrick- column 13, lines 7-10).

22. Considering **Claims 16, 36, 56, and 84**, Murphy does not disclose determining comprises determining whether said user is entitled to become an enrolled user based at least in part on whether payment for use of the rights locker service succeeds.

Hendrick does disclose determining comprises determining whether said user is entitled to become an enrolled user based at least in part on whether payment for use of the rights locker service succeeds (column 13, lines 11-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Murphy with the payment method taught by Hendrick in order to protect the rights of creators and publishers along with their content, collect their payments, and maintain their profits while providing consumers with easier access to content and lower prices (Hendrick- column 13, lines 7-10).

23. Considering **Claims 17, 37, 57, and 85**, Murphy does not disclose determining whether an enrolled user is entitled to populate said rights locker with rights to said digital content based at least in part on whether payment for said rights succeeds.

Hendrick does disclose determining whether an enrolled user is entitled to populate said rights locker with rights to said digital content based at least in part on whether payment for said rights succeeds (column 13, lines 11-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Murphy with the payment method taught by Hendrick in order to protect the rights of creators and publishers along with their content, collect their payments, and maintain their

profits while providing consumers with easier access to content and lower prices (Hendrick- column 13, lines 7-10).

24. **Claims 7, 18, 27, 38, 47, 58, 75, and 86** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murphy** in view of **Mohler (US 6,601,173)**.

25. Considering **Claims 7, 18, 27, 38, 47, 58, 75, and 86**, Murphy does not disclose storing at least part of said one or more authenticated rights locker access requests in a bookmark on a user device.

Mohler does disclose storing at least part of said one or more authenticated rights locker access requests in a bookmark on a user device (abstract, lines 19-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Murphy with a bookmark to store user authentication information as taught by Mohler for the benefit of automating the user's access to a particular website. The user, already having been password admitted, simply clicks on the desired bookmark and the computer system automatically access the identified Internet website without further input from the user (Mohler- abstract, lines 26-30).

26. **Claims 8, 19, 28, 39, 48, 59, 76, and 87** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murphy** in view of **Steven W. Disbrow. Use cookies to**

maintain state in Web applications. Active Server Developer's Journal. Louisville: Sep 2000. Vol. 4. Iss. 9; pg. 7, 3 pgs. Hereafter "Disbrow."

27. Considering **Claims 8, 19, 28, 39, 48, 59, 76, and 87**, Murphy does not disclose one or more authenticated rights locker access requests are embedded in a Web cookie.

Disbrow does disclose one or more authenticated rights locker access requests are embedded in a Web cookie (Full Text, ¶ 3, lines 2-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Murphy with using cookies to imbed personal information as taught by Disbrow for the benefit of remembering a particular visitor so that forms he filled out, selections and preferences he made, and other personalized information wouldn't have to be re-entered each time he visited the site (Disbrow- Full Text, ¶ 3, lines 2-4)

28. **Claims 9, 20, 29, 40, 49, 60, 77, and 88** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murphy** in view of **Weissman (US 2002/0156905)**, hereafter "Weissman."

29. Considering **Claims 9, 20, 29, 40, 49, 60, 77, and 88**, Murphy does not disclose one or more authenticated rights locker access requests are encapsulated in an HTTP Response message.

Weissman does disclose one or more authenticated rights locker access requests are encapsulated in an HTTP Response message ([0035] lines 10-22, [0036]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Murphy with encapsulating user authentication information in a http response message as taught by Weissman for the benefit of appending authentication credentials stored in the logon database and other information extracted from the previously received HTTP responses.

30. **Claims 68-74** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murphy**.

31. Considering **Claims 68-74**, Murphy does not explicitly disclose a wide range of different types of smart cards.

Murphy does disclose a smart card is a device that is typically the size of a credit card, having a microprocessor and limited storage memory (column 2, lines 46-48).

Therefore, it would have been obvious at the time of the invention to use Murphy with the wide range of different types of smart cards for the benefit of having a system that is usable on a wide variety of designs and platforms.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 5,991,878 – Controlling access to Information.
- US 6,212,634 – Certifying authorization in computer networks using smart cards.
- US 6,308,274 – Least privilege using tokens.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randal D. Moran whose telephone number is 571-270-1255. The examiner can normally be reached on M-F: 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randal D. Moran

RDm

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